

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BOOMERJACK'S GRILL & BAR, §  
BOOMER JACKS CITYVIEW §  
LLC, §  
§  
*Plaintiffs,* § Civil Action No. 3:21-CV-01022-X  
§  
v. §  
§  
THE MEMBERS, ET AL., §  
§  
*Defendants.*

**MEMORANDUM ORDER AND OPINION**

Before the Court is plaintiff Boomerjack's Grill & Bar's motion to remand this action to the 95th Judicial District of Dallas, Texas. [Doc. No. 10]. When the defendants removed this action to federal court, they asserted diversity jurisdiction as the basis for removal. [Doc. No. 1 at 5.] However, in its notice of removal, the defendants did not provide the Court with the citizenship of each member of the plaintiff LLC. Because diversity of citizenship is not yet settled, the plaintiff's motion to remand is premature.

Accordingly, the plaintiff's motion to remand [Doc. No. 10] is **DENIED WITHOUT PREJUDICE**. The defendants have until November 29, 2021 to file an amended notice of removal that provides the Court with the citizenship of each member of the plaintiff LLC.<sup>1</sup> If and when the defendants file an amended notice of

---

<sup>1</sup> See *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008) ("All federal appellate courts that have addressed the issue have reached the same conclusion: like limited partnerships and other unincorporated associations or entities, the citizenship of a LLC is determined

removal, the plaintiff will have 21 days from the filing of the amended notice of removal to file a renewed motion to remand.

**IT IS SO ORDERED** this 5th day of November, 2021.



\_\_\_\_\_  
BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

---

by the citizenship of all of its members."); *see also Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004) ("To sufficiently allege the citizenships of these unincorporated business entities, a party must list the citizenships of all the members of the limited liability company . . .").